

CITY OF TIGARD, OREGON

ORDINANCE NO. 02- 05

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODES 3.36.070, 5.04.160, 5.04.173, 5.14080, 7.70.030, 10.50.040, 11.04.060, 11.08.030, 11.08.060 AND 11.08.123 TO REMOVE REFERENCES TO FEES AND CHARGES AND UPDATE THE CODE LANGUAGE TO STATE THAT FEES AND CHARGES SHALL BE SET BY RESOLUTION.

WIIEREAS, the Tigard Municipal Code (TMC) contains references to fees and charges; and

WHEREAS, the City Council desires to set fees and charges by one master resolution to be updated on an annual basis; and

WHEREAS, the fees and charges in the TMC should be identified, removed from the TMC and transferred to the master resolution.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The TMC is amended as outlined in the attached Exhibit A.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 22nd day of January, 2002.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 22nd day of January, 2002.

James E. Griffith
James E. Griffith, Mayor

Approved as to form:

[Signature]
City Attorney

1/22/02
Date

ORDINANCE No. 02- 05

equip, operate and maintain within and without the city limits of the city of Tigard, Oregon, open drainageways, underground storm drains, equipment and appurtenances necessary, useful or convenient for a complete storm drainage system; and also including maintenance, extension and reconstruction of the present storm drainage system of the city. (Ord. 82-71 §2, 1982).

3.36.030 Charges and fund established.

There is established and imposed upon all premises which have been improved within the city of Tigard just and equitable charges for storm drainage service or subsequent service maintenance, operation and extension; and to establish a storm drainage proprietary fund for the foregoing purposes. (Ord. 83-35 §2, 1983: Ord. 82-71 §3, 1983).

3.36.040 Charges--Collection.

The charges may be collected with the monthly sanitary sewer bill for those connected to sewer or billed alone as storm drainage charge for those users not connected to or not otherwise charged for sanitary sewer. (Ord. 82-71 §4, 1983).

3.36.050 Charges--Use.

Such charges shall be paid by those liable therefor and placed in a storm drainage fund into which all of the charges so collected shall be deposited and kept as a fund to be used only for the purposes aforesaid. (Ord. 82-71 §5, 1983).

3.36.060 Determination of service.

The city council determines that property not used for single-family dwelling purposes is furnished service in proportion to the amount of the property's impervious surface, and that an equivalent service unit is adopted based upon the average impervious surface of a random sample of single-family lots within the Tigard area. (Ord. 82-71 §6, 1983).

3.36.070 Rates established.

~~The following rates are established:~~

~~Dwelling-unit (DU) Per month \$0.75
Multiple dwelling-unit per
ESU to the nearest
0.1 ESU Per month \$0.75
Mobile home court per ESU
to the nearest 0.1 ESU Per month \$0.75
Commercial and industrial
per ESU to the nearest
0.1 ESU Per month \$0.75
Improved premises or lots
not otherwise subject to
the above fees per ESU
to the nearest 0.1 ESU Per month \$0.75
Minimum charge Per month \$0.75~~

~~These service charges, pursuant to this section may be amended by the city council by resolution to continue to recover cost of service. (Ord. 82-71 §7, 1983). All rates shall be set by resolution of the City Council.~~

3.36.080 Expenditure of funds.

The city shall develop and adopt policies, standards, and financial incentives to promote, regulate and administer the city's master drainage plan. The council shall provide, by resolution, for a method of expenditure of funds collected pursuant to Section 3.36.030 of this chapter so that those service charge funds are expended in proportion to an areas contribution to storm drainage requirements. (Ord. 82-71 §8, 1983).

3.36.090 Payment required.

Every person subject to a charge provided herein shall pay the same, when due, to the city of Tigard. (Ord. 82-71 §9, 1983).

5.04.120 Issuance of business tax.

(a) The city shall collect all taxes and shall issue receipts under the provisions of this chapter. The city shall promulgate and enforce rules and regulations necessary for the operation and enforcement of this chapter. Such rules shall be available to the public upon request.

(b) Business which constitute a home occupation as defined in Chapter 18.385.020 of the Tigard community development code shall have a valid home occupation permit prior to the issuance of a business tax receipt. All other business tax receipts shall be issued upon written application and receipt of the applicable tax by the city.

(c) A duplicate tax receipt shall be issued by the city to replace any receipt previously issued which has been lost, stolen, defaced, or destroyed, without any wilful conduct on the part of the business taxpayer upon the filing by the business taxpayer of a statement attesting to such a fact and paying the city a fee of ten dollars. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.130 Procedure for obtaining and displaying a receipt.

(a) All business tax receipts shall be issued upon written application and receipt of the applicable tax by the city.

(b) The business tax application shall be completely filled out before a tax certificate is issued. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.140 Display.

Upon payment of the business tax, a person shall be issued a receipt by the city, which receipt shall be kept posted in a conspicuous place on the business premises at all times. If there is no physical structure on which to display the receipt, the receipt shall be in the possession of the representative of the business present within the city at all times during which business is being transacted. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.150 Reissue of tax receipt.

A business tax receipt may be reissued if incorrect information is recorded on the certificate.

(1) If the reissue is the result of incorrect information due to an error by the city or a city employee, there will be no fee.

(2) If the reissue is the result of incorrect information due to an error by the applicant or an agent of the applicant, a reissue fee in the same amount as the initial issue fee will be required.

(3) If a business tax receipt holder relocates during the calendar year, city files will be updated but a new receipt will not be issued until the next renewal receipt is issued. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.160 Fee schedule.

(a) ~~The taxes required in this chapter shall be paid in the amount specified below prior to the issuance of a receipt.~~

<u>Number of</u>	<u>Full Time</u>	<u>Administration</u>	<u>Equivalent</u>	<u>and Enforce</u>	<u>Total Annual</u>
<u>Employees</u>	<u>ment</u>	<u>Tax</u>	<u>Business Tax</u>		
0-10	\$20.00	\$ 35.00	\$ 55.00		
11-50	20.00	90.00	110.00		
51 or more	20.00	100.00	220.00	All	
<u>fees shall be set by resolution of the City Council.</u>					

A business tax receipt will be valid from the date of payment through December 31st of that year.

(b) The initial payment of an annual business tax can be made at any time. Thereafter the annual tax shall be due in full January 1st. The annual fee will be prorated for those businesses who begin operation after January 1st. according to the following schedule:

<u>Number of full time</u>	<u>equivalent employees</u>
0-10	11-50
51 or more	

~~\$4.58 — \$9.17 — \$18.33 for the initial month~~
~~when issued on or~~
~~before the 15th of the~~
~~month~~

~~2.29 — 4.59 — 9.17 for the initial month~~
~~when issued after the~~
~~15th of the month~~

~~4.58 — 9.17 — 18.33 for each month after the~~
~~initial month until the~~
~~next annual billing~~
~~cycle begins (January 1)~~

(c) There will be no business tax refunds for businesses who cease operation or who move out of Tigard during the tax year. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.173 Temporary business.

(a) A temporary business as defined in Section 5.04.030(j), must comply with all regulations in this chapter.

(b) The business tax fee for a temporary business shall be ~~ten dollars set by~~ resolution of the City Council. A business tax receipt for a temporary business shall be valid until the initial temporary use permit expires. Any extension or renewal of a temporary use permit shall require an additional business tax payment. (Ord. 88-13 §1(Exhibit A)(Part), 1988).

5.04.180 Enforcement.

The city is authorized to conduct inspections to insure the administration and enforcement of this chapter. The code enforcement officer(s) shall be responsible for the enforcement of this chapter. (Ord. 88-13 §1(Exhibit A)(part), 1988).

5.04.190 Penalties.

(a) Violation of this chapter shall constitute a Class 2 civil infraction which shall be processed according to the procedures established

in Chapter 1.16 of this code, Civil Infractions.

(b) Each violation of a separate provision of this chapter shall constitute a separate infraction, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate infraction.

(c) A finding that a person has committed a civil infraction in violation of this chapter shall not act to relieve the person from payment of any unpaid business tax, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

(d) Payment of the business tax after the complaint and summons is served is not a defense.

(e) If a provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this chapter. (Ord. 88-13 §1(Exhibit A)(part), 1988).

way without a franchise. The City may grant a franchise allowing use of any right of way for any portion of a telecommunications system, consistent with the regulations established in or under the authority of this chapter.

5.14.050 Grant of Franchise

(a) **To competitive telecommunications service providers.** The City Council may grant by resolution a telecommunications franchise to any person providing competitive telecommunications services who has submitted an application, meets the requirements of this Chapter, and agrees to sign the City's standard franchise agreement without modification. The franchise shall not be effective until the applicant signs the City's standard Telecommunications Franchise Agreement. The City Council shall approve the form of the standard Telecommunications Franchise Agreement by resolution.

(b) **To others.** The City Council may grant telecommunications franchises in any other circumstance by ordinance. Any franchise ordinance shall not be effective until a franchise agreement is entered into by the City and the franchisee.

(c) **Nonexclusivity.** All telecommunications franchises granted to competitive telecommunications service providers shall be nonexclusive.

5.14.060 Privilege Granted

The franchise shall grant a privilege to use rights of way consistent with the requirements of this chapter. The franchise does not convey any right, title or interest in the right of way.

5.14.070 Term

Unless otherwise specified in the franchise agreement and resolution or ordinance, franchises shall be in effect for ten years but in no case shall exceed 15 years.

5.14.080 Franchise Fee

(a) Any person applying for a franchise (including an application for renewal) shall pay an application fee to cover the cost of processing the application. The City Council shall establish the fee by resolution.

(b) ~~A person granted a franchise shall pay an annual franchise fee in the amount of \$7,500 or the amount established under the following subsections, whichever is greater: The annual fee included in the franchise agreement shall be the amount or amounts contained in the Master Fee Resolution in effect at the time the franchise agreement is adopted.~~

~~(1) For telecommunications utilities (as defined in ORS 759.005), five percent of gross revenues received from exchange access services (as defined in ORS 401.710) from customers within the City, less net uncollectibles from such revenues.~~

~~(2) For long distance providers and private networks, \$2.90 per linear foot of installations in the right of way, to be adjusted annually by the change in the Portland area CPI.~~

~~(3) For competitive access providers and all other franchisees who are not subject to subsections (1) and (2), five percent of gross revenues generated within the City.~~ (1) Gross revenue generated within the City includes monthly service charges paid by customers within the City, the full amount of charges for separately charged transmissions originating and received within the City, half the amount of separately charged transmissions that either originate or are received within the City but are received or originate outside the City, any amounts received for rental of facilities within the right-of-way, and

person not representing a business which is required to be issued a business tax receipt or special certificate under Chapter 5.04 of the Tigard Municipal Code, and who appears with such articles at the dealer's place of business.

(k) "Transient merchant" means any person:

(1) Engaged in the business of purchasing precious metals or gems in the city;

(2) Engaged as an itinerant business or temporary business under the provisions of the Tigard Municipal Code Chapter 5.04; and

(3) Engaging in the business of purchasing such precious metals or gems from any person not representing a business which is required to be issued a business tax receipt or special certificate under Chapter 5.04 of the Tigard Municipal Code, and who appears with such articles at the dealer's place of business. (Ord. 83-26 §1, 1983).

7.70.030 Special license required.

(a) It is unlawful to operate as an antique, precious metal or gem, scrap metal, secondhand dealer, or transient merchant without first obtaining a special license. Such special license shall be required in addition to a business tax receipt or special certificate which is required under Chapter 5.04 of the Tigard Municipal Code, or any other city license or permit.

(b) Application for such license shall be made upon standard forms issued and kept by the chief. Upon application for a special license, the chief may issue an appropriate temporary license to be valid for the period of time stated on its face, said period of time not to exceed thirty days. The application or a copy thereof shall be referred to the chief for investigation prior to issuance of a permanent special license. If it appears from such investigation, or otherwise, that a permanent special license should not be issued to the applicant, the chief shall notify the city council to that effect and shall set forth the reasons why the applicant should be denied a

special license. A copy of the report of the chief shall be provided to the applicant. The applicant may appeal the determination of the chief to the city council. A decision by the city council to grant or deny a permanent special license may be reviewed further in accordance with ORS 34.010 to 34.100.

(c) The following shall be grounds for denial of the issuance of a temporary or permanent special license by the chief and city council:

(1) Conviction of a crime involving moral turpitude; or

(2) Evidence that the applicant has not complied with similar ordinances or laws in other jurisdictions; or

(3) Noncompliance of the business or applicant with state and local laws; or

(4) Misrepresentation of information in the application.

(d) The fee for such special licenses issued pursuant to this ordinance shall be ~~ten dollars per year~~ set by resolution of the City Council. Every special license issued shall expire on January 15th of each year and shall be renewed upon payment of the fee, unless not renewed for the grounds listed in Section 7.70.110(b) of this chapter. (Ord. 83-26 §3, 1983).

7.70.040 License to be conspicuously posted

Every transient merchant shall possess and shall post in a conspicuous manner at any place where the merchant is engaging in business, the special license required by this chapter. (Ord. 83-26 §10, 1983).

10.50.040 Permit application--Fee.

(a) Application for a permit to move an oversize load shall be made to the building official on forms provided by the building official and shall include the following information:

(1) The name and address of a person who owns the oversize load;

(2) The name and address of a person engaged to move the oversize load;

(3) The location from which the oversize load is proposed to be moved;

(4) The proposed new site of the oversize load and its zoning classification (if in the city);

(5) The proposed route for moving the oversize load;

(6) The dimensions, type of construction and approximate age of the oversize load;

(7) The use or purpose for which the oversize load was designed;

(8) The use or purpose to be made of the oversize load at its new location (if in the city);

(9) The proposed moving date and hours of moving;

(10) Any additional information the building official considers necessary for a fair determination of whether the permit should be issued.

(b) In situations where the city's design review standards apply, the applicant shall also make application and submit all necessary information for design review approval.

(c) An application shall be signed by the owner of the oversize load to be moved or by the person engaged to move the building.

(d) A fee ~~of ten dollars~~ shall be paid prior to the issuance of a permit. The fee shall be set by resolution of the City Council. Should it be necessary for the city to provide any assistance in the moving of an oversize load, the applicant shall pay an amount equal to the cost of labor and/or materials, or any other cost incurred by the city. These fees, pursuant to this section may be amended by the city council by resolution. (Ord. 90-18 §1(part), 1990)

10.50.050 Permit for moving or relocating a building onto a lot.

The movement or relocation of any building or structure (which would otherwise require the issuance of a building permit), within or into the city, to be placed on a lot within the city, shall in addition to the provisions of this chapter, comply with Chapter 14.20. (Ord. 90-18 §1(part), 1990)

10.50.060 Protection of public and private property and utilities.

(a) The issuance of an oversize load permit is not an approval to remove, alter, interfere or endanger any public or private property, or utility without first having obtained in writing, the permission of the property owner(s), utility, or public entity to do so.

(b) The applicant shall have made arrangements to the satisfaction of the owner(s), utility or public entity for protecting the installations or property, paying for whatever damage the moving causes them, and for reimbursing the owner(s), utility or public entity for any costs of removal and reinstallation of the property that the move necessitates. (Ord. 90-18 §1(part), 1990)

for collection by a permittee, belongs to the permittee.

G. No person shall deposit material in or remove material from any drop box or container supplied by a franchisee without permission of franchisee.

H. No person shall take or remove any solid waste placed out for collection by a franchisee or permittee under this chapter.

I. Notwithstanding other provisions of this section, if the council finds that on-route recycling is technologically and economically feasible and directs that it be instituted:

1. Franchisees shall be given advance notice of a hearing on the subject and an opportunity to be heard;

2. If, after the hearing and on the basis of written findings, the council directs the service be provided, the franchisees shall be given a reasonable opportunity to provide the service or subcontract with other persons to provide it;

3. If franchisees do not provide the service within the specified reasonable time, the council may issue a franchise or franchises for that service and limited to on-route recycling. A franchisee under this subdivision I shall comply with all applicable requirements of this chapter.

4. Nothing in this subsection shall prevent the franchisees from instituting on-route recycling prior to a council determination nor from including income and expense in the rate justification section.

5. Section 11.04.070(10) requires franchisees to provide the opportunity to recycle, to include on-route recycling, in accordance with applicable law. This subsection is intended to provide a process by which the council may create on-route recycling requirements in addition to those found in other applicable law. (Ord. 99-18; Ord. 99-03; Ord. 91-36 §1 Exh. A(part), 1991: Ord. 86-66 §§1, 2,

1986; Ord. 78-64 §4, 1978).

11.04.050 Franchise--Term--Automatic renewal when.

A. The rights, privileges and initial-franchise granted herein shall continue and be in full force to and including the thirty-first day of December, 1988, subject to terms, conditions and payment of franchise fees to the city as set forth in this chapter.

B. Unless the council acts to terminate further renewals of the franchises herein granted: each January 1st, the franchises are automatically renewed for a term of ten years from the January 1st renewal; on January 1, 1993, the franchises are automatically renewed for term of nine years; on January 1, 1994, the franchises are automatically renewed for a term of eight years; and, on January 1, 1995, and on each January 1st thereafter, the franchises are automatically renewed for a term of seven years from the January 1st renewal. (Ord. 92-36 §1, 1992; Ord. 91-36 §1 Exh. A(part), 1991: Ord. 78-64 §5, 1978).

11.04.060 Franchise--Fees.

A. ~~Effective July 1, 1978, as~~ compensation for the franchise granted to each franchisee and for the use of city streets, the franchisee shall pay to the city a fee ~~equal to three percent of gross cash receipts resulting from the solid waste services conducted under the franchise the amount of which is contained in the Master Fee Resolution in effect at the time the franchise agreement is adopted.~~ Such fees shall be computed on a quarterly basis and paid within thirty days following the end of each quarter calendar year period. Each franchisee shall maintain an adequate bookkeeping system showing the gross cash receipts resulting from the solid waste services conducted under the franchise. Records shall be open at all times for audit by authorized personnel designated by the

Chapter 11.08 BURGLARY AND ROBBERY ALARM SYSTEMS

Sections:

- 11.08.010 Purpose and scope.**
- 11.08.020 Definitions.**
- 11.08.030 Alarm user permits required.**
- 11.08.050 Senior citizens' exemption.**
- 11.08.060 Charge for failure to obtain or renew permit.**
- 11.08.080 Exemption for governmental political unit.**
- 11.08.090 Emergency notification resources person.**
- 11.08.100 User instructions.**
- 11.08.110 Automatic dialing device-- Certain interconnections prohibited.**
- 11.08.121 Response to alarms.**
- 11.08.123 Excessive false alarms and fee assessment.**
- 11.08.124 No response to excessive alarms.**
- 11.08.125 Appeal of false alarm.**
- 11.08.130 Confidentiality--Statistics.**
- 11.08.140 Allocation of revenues.**
- 11.08.150 Enforcement and penalties.**

11.08.010 Purpose and scope.

(a) The purpose of this chapter is to protect the emergency services of the city from misuse.

(b) This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for revocation of permits, and provides for punishment of violations. (Ord. 82-32 §2, 1982).

11.08.020 Definitions.

(a) "Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building,

structure or facility.

(b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

(c) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility in which an alarm system is maintained.

(d) "Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

(e) "Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system, inclusive of silent and audible alarm systems.

(f) "Coordinator" means the individual designated by the chief of police to manage and enforce the provisions of this chapter.

(g) "Dispatch center" is the city facility used to receive emergency and general information from the public.

(h) "False alarm" means an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist. It does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

(i) "Governmental political unit" means any tax-supported public agency.

(j) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone

line to transmit a message upon the activation of the alarm system.

(k) "Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.

(1) "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. (Ord. 87-73 §2, 1987; Ord. 82-32 §3, 1982).

11.08.030 Alarm user permits required.

Every alarm user shall obtain an alarm user permit for each system from the alarm coordinator from the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Users of systems having both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglary ~~or robbery alarm user's permit and a fifteen dollar fee shall be filed with the city recorder each year. The fee for a combination burglary robbery user's permit shall be twenty five dollars.~~, robbery, or combination burglary-robbery alarm user's permit and a fee shall be filed with the alarm coordinator each year. The fee shall be set by resolution of the City Council. Each permit shall bear the signature of the chief of police, and be for a one-year period. The permit shall be kept physically upon the premises using the alarm system, and shall be available for inspection by the chief of police or his representative. (Ord. 82-32 §4(a), 1982).

11.08.050 Senior citizens' exemption.

If a residential alarm user is over the age of sixty and/or is physically handicapped and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the alarm coordinator's office according to Section 11.08.030 without the payment of a fee. (Ord. 82-32 §4(c), 1982).

11.08.060 Charge Fee for failure to obtain or renew permit.

A ~~twenty five dollar charge fee~~ will be

charged in addition to the fee provided in Section 11.08.030 to a user who fails to obtain a permit within sixty days after the effective date of the ordinance codified in this chapter or who is more than sixty days delinquent in renewing a permit. The fee shall be set by resolution of the City Council. (Ord. 82-32 §4 (d), 1982).

11.08.080 Exemption for governmental political unit.

An alarm user which is a governmental political unit shall be subject to this chapter but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein. (Ord. 82-32 §4(f), 1982).

11.08.090 Emergency notification resources person.

The alarm permittee shall provide the police department with a current updated emergency notification resources person at all times. (Ord. 82-32 §4(g), 1982).

11.08.100 User instructions.

(a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the city shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(b) Standard form instructions shall be submitted by every alarm business to the chief of police within sixty days after the effective date of the ordinance codified in this chapter. If he finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with subsection (a) of this section and then to distribute the revised instructions to its alarm users. (Ord. 82-32 §5, 1982).

11.08.110 Automatic dialing device--Certain interconnections prohibited.

(a) It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the Tigard city police department that it is so programmed.

(b) Within sixty days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

(c) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the Tigard police department that an automatic dialing device is so programmed. (Ord. 82-32 §6, 1982).

11.08.121 Response to alarms.

(a) Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the police department and the department does respond, the police personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

(b) If the police department personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a report of the false alarm.

(c) The chief of police or his designee shall have the right to inspect any alarm system on the premises to which response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.123 Excessive false alarms and fee assessment.

(a) If any alarm system produces four false alarms in any calendar year, the chief of police shall provide by certified mail written notice of the fact asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule ~~provided herein.~~ The fees shall be set by resolution of the City Council.

(b) Alarm users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed nonfalse alarms. The grace period shall cease thirty days after installation of or modification to an alarm system.

(c) Upon any alarm system producing the fifth and sixth false alarm in a calendar year, a fee ~~of fifty dollars~~ per false alarm shall be charged to the alarm user. ~~The following fee schedule shall be used for each additional alarm:~~ Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council.

~~(1) Seventh and eighth false alarms in a calendar year, a fee of seventy five dollars per false alarm shall be assessed.~~

~~(2) Nine or more false alarms in a calendar year, a fee of one hundred fifty dollars per false alarm shall be assessed.~~

All fees assessed must be paid to the city finance division or a written appeal must be submitted to the chief of police within ten working days of fee assessment. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.124 No response to excessive alarms.

(a) After the second false alarm the coordinator shall send a notification to the alarm user by regular mail which will contain the following information:

(1) That the second false alarm has occurred;

(2) That if two more false alarms occur within the permit year police officers will not respond to any subsequent alarms without the reinstatement of the alarm user by the chief of police;

(3) That the reinstatement of the alarm user can only be obtained by the alarm user furnishing written proof of efforts taken to correct the false alarms, a finding by the chief that a reasonable effort has been made to correct the false alarms, and payment of all fines assessed by the city for false alarms;

(4) That the alarm user may appeal the validity of a false alarm determination to the chief of police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within ten days, according to Section 11.08.125.

(b) After the fourth false alarm within the permit year there will be no police response to subsequent alarms without reinstatement approval of the alarm user by the chief. The coordinator shall send a notice of suspension of police response to:

(1) The dispatch center;

(2) The chief of police;

and

(3) The alarm user by certified mail.

(c) The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of police response to the alarm user unless a written request for hearing has been made as required in Section 11.08.125. (Ord. 93-13 §1, 1993).

11.08.125 Appeal of false alarm.

(a) Any alarm user who has been notified of a false alarm or assessed a false alarm

fee may appeal to the chief of police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.

(b) The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of said bond toward the false alarm fee assessed by the city.

(c) The chief of police or his designee shall serve as hearings officer. The burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in Section 11.08.020(h).

(d) After receipt of all relevant evidence, the hearings officer shall, within three working days, render a decision. If the hearings officer determines that the appellant has met the burden of proof, then the hearings officer shall order the appeal bond released to the appellant and rescind the false alarm determination. If the hearings officer determines that the appellant has not met the burden of proof, then the hearings officer shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the city and enter such alarm as a false alarm.

(e) All decisions made pursuant to this section are final. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.130 Confidentiality--Statistics.

(a) All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this chapter. The police department shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter.

11.08.140 Allocation of revenues.

All fees, fines and forfeitures of bail collected pursuant to this chapter shall be general fund revenue of the city of Tigard. (Ord. 82-32 §9, 1982).

11.08.150 Enforcement and penalties.

(a) Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.

(b) The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection (a) of this section. (Ord. 82-32 §10, 1982). ■